

EXPOSING STATE HYPOCRISY: SEXUAL VIOLENCE BY SECURITY FORCES IN EGYPT

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Article 3: Everyone has the right to life, liberty and security of person. Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 5: No one shall be subjected to torture or to cruel,



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I. INTRODUCTION

Since the military takeover in July 2013 and resumed control by the army and the police, there has been a surge in sexual violence perpetrated by the security forces in Egypt. While sexual violence has long been a characteristic of state violence, today it indiscriminately targets those apprehended by the security forces: in addition to opponents of General el-Sisi's regime, victims include NGO representatives, protesters, individuals perceived as going against the moral order, as well as common-law detainees.

Such violence is widespread in detention centres. Increasingly diverse categories of the population are being targeted: women, students, minors and LGBT persons are bearing the brunt of abuses carried out in the name of security, characterised by the multiplication of arbitrary arrests and detention, with sexual violence playing a strategic part.

FIDH has documented sexual harassment, rape and sexual assault, rape with objects, anal and vaginal "virginity tests"¹, electrocution of genitalia, sex-based defamation and blackmail perpetrated by police, state security and military personnel. Such violence is used to eliminate public protest while legitimising the authorities as guardians of the moral order.

Between 2011 and 2014, FIDH documented sexual violence committed against women in the public sphere in Egypt, from cases of mob rape and sexual assault perpetrated by civilians during demonstrations in and around Tahrir Square, to daily sexual harassment in the streets, on public transport and in the workplace. In a report published in April 2014², FIDH underlined the State's responsibility for such violations, in particular by failing to exercise due diligence to prevent violence, to effectively investigate, prosecute and sanction perpetrators and to provide redress and reparation to victims. FIDH and Egyptian civil society organisations called for the adoption of ten urgent measures to end violence against women.³ Since then, several piecemeal measures have been taken but their effectiveness is reduced by the lack of an overall strategy. Meanwhile sexual violence has continued unabated.

This report examines the use of sexual violence as a weapon of repression since the military takeover in July 2013. After the wave of mob rapes and sexual assaults that marked the three years that followed the revolution of January 2011, it highlights an evolution towards an increasingly direct role of the security forces in the perpetration of sexual violence. While President el-Sisi's government has publicly announced that fighting sexual violence is a priority, the report reveals widespread sexual violence perpetrated against women and men during arrests and detention while perpetrators benefit from complete impunity. It also looks at the way in which the publicly proclaimed fight against sexual violence is used to justify tightening state security and implementing a project aimed at 'moralising' society.

Information contained in this report is based on research undertaken at the end of 2014 in Egypt. FIDH interviewed human rights NGOs, lawyers and victims. Many of the testimonies are first-hand accounts given by victims and lawyers to Egyptian human rights NGOs. Testimonies cited from reports in the media are included when they tend to suggest a pattern giving rise to repeated accusations.

1. "Virginity testing" is a practice supposedly aimed at determining whether a woman has had sexual intercourse, involving inspection of the hymen on the false assumption that it can only be torn as a result of sexual intercourse.
2. FIDH report, Egypt: Keeping Women Out, Sexual violence in the public sphere, April 2014, <https://www.fidh.org/International-Federation-for-Human-Rights/north-africa-middle-east/egypt/15140-egypt-epidemic-of-sexual-violence-continues>
3. FIDH joint statement: https://www.fidh.org/International-Federation-for-Human-Rights/north-africa-middle-east/egypt/egypt-10-urgent-measures-to-end-violence-against-women-in-the-public?var_mode=calcul

The severe repression of independent NGOs meted out by President el-Sisi's regime makes it extremely difficult to document human rights violations generally. Furthermore, given the illegal status of the Muslim Brotherhood, the general climate of distrust which divides civil society and the continual deterioration of relations between supporters of the Muslim Brotherhood and national human rights NGOs since the election of former President Mohammed Morsi, it is particularly difficult to document violations of the rights of men and women who support, or are alleged to support, the Muslim Brotherhood. The stigma attached to sexual violence, virginity and sexuality make it particularly difficult to document such crimes.

As a result of threats directed at Egyptian NGOs and the victims, FIDH has chosen not to mention the names of the NGOs interviewed in this report. Pseudonyms have been used to protect victims and their families.

Context: Sexual violence – a historic weapon of the Egyptian authorities

Sexual violence perpetrated against political opponents by the Egyptian intelligence services, since their creation by Gamal Abdel Nasser, is now well documented. Local NGOs have monitored the various forms of sexual violence deployed by the Egyptian State under Hosni Mubarak's regime to damage the reputation of opponents, and have filed complaints against the police before national and international mechanisms.

In the 1990s, faced with the rise in protest movements, the Ministry of the Interior deployed *baltagiya* (thugs or gangs) to infiltrate groups of demonstrators, making them appear to be 'depraved elements' from poor neighbourhoods. In the 2000s, as the opposition was gaining ground and women and wealthier citizens were becoming more apparent in marches, the *baltagiya* sexually assaulted women demonstrators without any interference by security forces to prevent them.

On 25 May 2005, 'Black Wednesday', four women demonstrators, who had joined a protest calling for a boycott of a referendum organised by Hosni Mubarak, were sexually assaulted in the presence of high ranking officers of the Ministry of Interior and the riot police in front of the press syndicate in the centre of Cairo. National courts dismissed the case on the grounds that it was impossible to identify the perpetrators. With NGO support, the victims filed a complaint against the Egyptian State to the African Commission on Human and Peoples' Rights (ACHPR)⁴. They alleged that state security and police officers had ordered and participated in the assaults and failed to intervene, assist or prevent the assaults from taking place. In December 2011, the ACHPR ruled that Egypt had violated Articles 1, 2, 3, 5, 9(2), 16(1), 18(3) and 26 of the African Charter. The Commission found that, "It is clear that the sexual assaults... were acts of gender-based violence, perpetrated by state actors, and non-state actors under the control of state actors, that went unpunished. The violations were designed to silence women who were participating in the demonstration and deter their activism in [Egyptian] political affairs ...[The Egyptian State] in turn, failed in its inescapable responsibility to take action against the perpetrators". The Commission called on the Egyptian State to amend legislation, provide reparation to victims, investigate violations and bring perpetrators to justice. These recommendations remain unimplemented.

By focusing their actions on documenting and denouncing sexual violence committed by the police against both men and women including union representatives, strikers, prostituted persons and activists – and by highlighting police inaction in cases of mass sexual assaults perpetrated in public places during religious festivities, local NGOs have drawn attention to the complexity behind the persistence and increase of sexual violence in Egyptian public spaces. Their analyses have shown that the phenomenon cannot be explained only as a symptom of a

4. Case no. 323/06: Egyptian Initiative for Personal Rights & INTERIGHTS v Egypt; See <http://eipr.org/en/pressrelease/2013/03/14/1657>

gender conflict in which Egyptian women are confronted with a tide of frustration unleashed by men in public places.

From this perspective, widespread sexual violence should also be analysed as “the particular perversion practiced by the repressive Security State”⁵. The spread of such violence across the public sphere is linked to the tolerance and fostering of abuses by the authorities, in particular the Ministry of the Interior, including through the maintenance of a climate of impunity.

Local NGOs have also underlined the problematic nature of the ‘security-based’ solution, which advocates police protection as a way of combating this phenomenon. According to some commentators, at the end of the 2000s, “The sexual harassment controversy that had begun as a thorough critique of repressive policing and the torture of dissident women and youth had been appropriated by the security State (...) as justification for extending police brutality, mass arrests, social cleansing of the city and the necessity of the emergency decree”.⁶

The political unrest which followed the fall of President Hosni Mubarak on 11 February 2011 coincided with a surge in the incidence of mob rape and sexual assault during demonstrations. This form of sexual violence increased dramatically throughout the period of political transition, which saw three successive regimes come to power – firstly under the aegis of the Supreme Council of the Armed Forces (SCAF), then the Muslim Brotherhood, the interim President Adly Mansour and finally General Abdel Fattah el-Sisi. Between February 2011 and January 2014, more than 500 women were victims of mob rape and sexual assault. Documented cases peaked during the protests which led to the army re-taking control of the country between 28 June and 7 July 2013. In this period, Egyptian women’s rights NGOs recorded 186 sexual attacks. These recurring attacks were perpetrated using identical tactics (surrounding the survivor in concentric circles, etc.), with the participation of an opportunistic crowd. They were immediately presented by the new military powers and the aligned media, as proof of a general moral decline, justifying renewed control of the country by security forces.

“We all agree that there is a problem in Egypt. People’s morals need correcting (...) I come from the army and in the army that’s how it works.”
President Abdel Fattah el-Sisi, 5 May 2014 (ONTV).⁷

The Constitution, adopted in January 2014, guarantees equal rights for men and women and obliges the State to take the necessary measures to protect women from all forms of violence (Art. 11). Since then, several steps have been taken to increase protection but have been piecemeal and inadequate. On 5 June 2014, a decree issued by interim president Adly Mansour⁸ introduced two amendments to the Criminal Code, which finally defined sexual harassment and set down sentences of no less than 6 months in prison and/or fines ranging from 3,000 to 5,000 EGP (approx. 700 USD). In July 2014, the South Cairo Criminal Court convicted 7 men for crimes including forced molestation in relation to mob-sexual assaults which took place in Tahrir Square during the inauguration of President el-Sisi in June 2014.

5. See Paul Amar, 2011, “Turning the Gendered Politics of the Security State Inside Out?”, *International Feminist Journal of Politics*, 13:3; 299-328.

6. *Idem.* In 2008, the police carried out mass arrests of teenagers from poor neighbourhoods accused of ‘flirting’ in public places, presenting their actions as a victory over sexual harassment. In November 2008, more than 400 teenagers were arrested on such grounds.

7. Interview with journalists Lamiss El Hadidi and Ibrahim Issa broadcast on 5 May 2014 on ONTV : <http://youtu.be/sEarwqmGbs4>

8. Decree No. 50/2014.

They were sentenced to terms of imprisonment ranging from 20 years to life.⁹ Yet, since these symbolic trials, which earned Egypt praise from the international community, there have been no further trials for mob sexual violence, despite the fact that several cases of sexual assault were reported, in particular during the Eid al-Fitr celebrations in 2014.

In parallel, since the take-over by the army in July 2013, sexual violence has appeared as a central element of the unprecedented repression to which opponents and civil society are subjected. Increased police impunity has allowed for a surge in abuses generally and sexual violence in particular, against political and common-law detainees, inside and outside police custody.

The relative decline in recorded incidents of mob rape and sexual assault since the beginning of el-Sisi's term of office could be linked more to the absolute ban on demonstrations¹⁰ than to the success of the few token measures adopted to punish crimes of sexual violence. The ongoing threat of sexual violence against demonstrators is now perceived as one of many threats preventing the organisation of protests against the regime. Meanwhile, the increased presence of the security forces, for whom sexual violence remains routine practice, contributes to the spread and normalisation of violence in the public sphere.

The multiplication of arbitrary arrests¹¹ has targeted an increasingly diverse range of victims: women, refugees, minors, students, opponents to the regime or otherwise, and LGBT persons are now frequent victims of sexual violence perpetrated with complete impunity by the security forces.

Several elements support the finding that sexual violence is tolerated by the Egyptian authorities, and fostered by the climate of impunity, as part of a strategy which aims not only to eradicate the opposition but also, more broadly, to stifle civil society.

The widespread sexual violence committed against political prisoners and the threats, blackmail and defamation to which they are subjected contribute to the general politicisation of sexual violence, aimed both at stamping out revolt and demonising the opposition. Victims' testimonies indicate the use of sexual violence as a means of repression aimed at exerting control over the public sphere and imposing a strict moral order. Organised violence, such as the campaign of repression initiated in autumn 2013 against LGBT persons, is used to confer a moral and religious legitimacy on the regime and to justify the strengthening of State security.

Such violence tends to be tolerated by the criminal justice system and in the media. It takes place within a pervasive climate of violence, which has divided public opinion since the coup of 3 July, and benefits from the blank cheque handed to the army as a result of its considerable popularity.

9. The defendants were also convicted of use of force and thuggery, robbery, kidnapping and false imprisonment. See FIDH statement: <https://www.fidh.org/International-Federation-for-Human-Rights/north-africa-middle-east/egypt/15762-egypt-impunity-for-sexual-violence-must-end>

10. Law of 24 November 2013.

11. According to NGOs, up to 40,000 people were arrested or faced charges between 3 July 2013 to May 2014; According to statements by state officials to the media, 16,000 individuals were arrested in the wake of the military take-over.

Testimonies gathered by FIDH indicate that sexual violence is used with the knowledge of agents of the Ministry of the Interior and the armed forces, without measures to address and prevent such violence. It relies on the participation and coordination of the police departments, the Central Security Forces (*al Amn al-Markazi*), National Security Intelligence (*Mabahith al-Amn al-Watani*), Criminal Intelligence services (*Al-Mabahith al-Gina'iya*, commonly referred to as *Al-Mabahith*) and the Military Intelligence (*Al-Mukhabarat al-Harbyya*), a branch of the army which was under the command of the current president, Abdel Fattah el-Sisi until 2012.

FIDH calls on the Egyptian government to end all use of and tolerance of sexual violence by forces under its command or control, and to investigate and punish those responsible in accordance with its obligations under international law. The Egyptian state must also exercise due diligence to prevent violence by non-state actors¹² and ensure that perpetrators are effectively investigated, prosecuted and sanctioned.

12. ICCPR, Article 2; Human Rights Committee, General Comment 31; CEDAW Committee General Comment 19

II. SECURITY ABUSES AND WIDESPREAD SEXUAL VIOLENCE

Widespread sexual violence in the public sphere

The increase in the number of documented cases of sexual assault perpetrated by members of the security forces since the takeover of power by the armed forces on 3 July 2013 suggests a direct link between the security clampdown and the rise in sexual violence.

“Sexual violence practised by law enforcement officers in Egypt has never stopped, it has never been condemned. What has changed is the scale of the arrests which increases the number of cases of sexual assault.”

E., member of an Egyptian human rights organisation.

“The number of cases of sexual assault and their gravity are much greater than in the pre-revolution situation. And sexual assault is virtually systematic in the case of arrest.”

S., member of an Egyptian women’s rights organisation.

In certain police stations, like the notorious Qasr Al Nil station in Cairo, reports of sexual violence are particularly widespread.

“They threw me into a cell in the basement. There were two men in there with erections wearing only underwear who threw themselves at me. I cried out so much they ended up letting me out.”

H. student, arrested on 19 November 2013 after a protest against the army and detained for one week in Qasr Al Nil.

According to reports documented by FIDH, the increase in the physical presence of the police, army and security services in the public sphere is leading to the spread of sexual violence, beyond the confines of police stations and detention centres. Sexual violence is carried out indiscriminately at checkpoints, in the metro, at the entrance to universities, on campuses, in hospitals, at the entrance to courts and detention centres during security checks, in sports facilities and private homes during targeted raids.

Reports of sexual violence published online in videos and testimonies tend to support this finding. In October 2014, body searches of students by security personnel and security officers responsible for guarding the entrance to university campuses and the presence of *baltagiya* on campuses contributed to a wave of protests within universities. Videos shared on social networks¹³ recorded sexual harassment of women students by security agents in plain clothes on the Al Azhar University campus in Cairo: agents can be seen running after women demonstrators and grabbing their buttocks and breasts.

13. <http://youtu.be/tYmsjIEkZS0>

The widespread sexual harassment of young women during body-searches at the entrances to universities, courts and detention centres, by male and female security agents, tends to indicate a policy of humiliation. International standards provide that measures must be taken to ensure that women's dignity is protected during personal searches, which should only be carried out by women staff properly trained in appropriate searching methods and in accordance with established procedures¹⁴.

“This morning the body search was carried out by a male member of the Falcon security team. Some girls let him frisk their bodies but when he tried to see the face of a female student in a niqab, tension escalated and other female students intervened to defend the girl. The security agent then hit her with his pen. He resumed the body searches with the help of three women. One of them, who was harassing the girls, frisked only their genital area and breasts. This provoked another dispute between a student, the woman doing the frisking and the security agent, after which the student's niqab was ripped off and she was led away to the ground floor of the faculty of social sciences. A Falcon agent and a member of internal security came to question her. They threatened to hand her over to the police and hit her when she refused to switch on her mobile. Her detention lasted almost an hour and a half. They then arrested the female students who had taken photos of the attack and wiped their mobile phones.”¹⁵

Testimony of a woman student at Al Azhar, Medinat Nasr women's campus in Cairo, documented and published by “Students against the Coup”, a group close to the Muslim Brotherhood, October 2014. This testimony could not be verified independently.

Wide-ranging victims of sexual violence

The proliferation of arbitrary arrests at demonstrations and the witch hunt launched by the regime against members of the Muslim Brotherhood and their supposed sympathisers are evidence of collective repression that has affected all categories of the population.

According to the Egyptian Observatory for Rights and Freedoms (EORF), “Previously, arrests in the street mainly targeted men and young people. But since 3 July 2013, it has been quite clear that they also target children, women, young girls and older people of both sexes. And that the security forces do not miss an opportunity to arrest and terrorise all sections of the population.”¹⁶

Arrests are increasingly motivated by external appearances – clothing, veil, beard or haircut – interpreted as signs of belonging to the Islamist or revolutionary movement or to the LGBT community. The wearing of the niqab (full veil), khimar (veil covering the forehead and the chest), t-shirts with the slogan “No to torture”, keffiyehs bearing the date “25 January”, tight-fitting trousers or t-shirts on men (a style perceived as effeminate), are seen as sufficient justification for questioning.

14. For example, United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the “Bangkok Rules”), Rule 19

15. <http://youtu.be/WqIEUk-phhE>

16. Egyptian Observatory for Rights and Freedoms, 2014 Report

Women

Women, treated as the “guarantors” of collective identity and bearing the burden of this role, are particular targets of security abuses.

“Women are targeted in the majority of cases because of the ease with which their religious, tribal or political affiliation can be judged from their external appearance, clothing or behaviour. Violence against women is thus often collective violence against the community to which the women belong.”

Internal report of an Egyptian human rights NGO.

Women have been among the first victims of the political polarisation triggered by the military coup of 3 July 2013, between the Muslim Brotherhood and supporters of the army. Those wearing the *niqab*, *khimar* or Syrian-style veils (perceived as signs of sympathy for the Islamist movement) have been targeted by supporters of General el-Sisi, while women not wearing the veil, perceived to be Christians, have been threatened by Islamists, in particular in the south of Egypt. They have been subject to reprisals, kidnapping, arbitrary arrests and police brutality, including crimes committed by the security forces during house raids. They have been targeted both by the population and the security forces.

Testimonies published in the press report women being molested and threatened during raids on homes conducted by the security forces. In the village of Matay, near Minya, on 27 June 2014, the journal *Al Wafd* reported that a complaint was filed against 7 police officers and members of the Central Security Service when a 55-year-old woman, Raqya Abu Bakr Abdel Wahab, died after being thrown off the roof of her house by police officers looking for weapons without a warrant at 3 o'clock in the morning.¹⁷ Similar cases have been reported in Kerdasa and Al-Fayoum in April and May 2014. In September 2014, a woman interviewed on *El Balad* television accused a police officer of having rammed the door of a taxi into the stomach of her pregnant sister at a blockade in Dahab, causing the death of the child.¹⁸

Several incidents have been documented of women being arbitrarily detained and used as bargaining tools by the police in order to put pressure on suspects and detainees. An NGO defending the rights of detainees, reported the arrest of the mother and sister of the student A.E. on two occasions in August 2014. They were held at a police station at New Damiette in order to force A.E. to turn himself in to the police. They were freed four hours after he gave himself up.

“At Medinat Nasr police station, [police officers] beat me saying ‘you see what your husband is doing to you?’ (...) then they made me enter the room where he was and tried to rape me. My husband begged them to leave me alone, shouting ‘Let her go, I’m going to talk’. They said to him ‘No, speak first and we’ll let her go after.’ (...) They pulled off my veil and started again; I began screaming. My husband said to them ‘For pity’s sake stop, tell me what I have to say, tell me what I’m accused of, I’ll say everything that you want me to (...).’ They made me sit with my hands tied and said ‘Go on, we’ll hang her from the door to make him talk’. My husband continued to beg them, saying ‘I don’t even know what you’re accusing me of!’”

A., wife of a detainee, at the premises of an Egyptian NGO on 23 June 2014.

Sexual assault against women is widespread during arrests.

“The likelihood of being sexually assaulted when you are arrested is extremely high, especially if you are a woman. This fact is linked to a more general context in which the police consider it their duty to discipline prisoners.”

D., member of an Egyptian human rights NGO.

17. <http://www.alwafd.org>

18. <http://m.almasryalyoum.com/news/details/522053>

The risk of sexual assault applies to all common law detainees. Women detainees are usually guarded by men, in breach of international standards¹⁹. In September 2014, a police officer in Imbaba was charged with raping a disabled woman detainee after video recordings provided evidence of his crime. The woman was raped while being held in custody awaiting a “medical examination” after she filed a complaint for sexual harassment. Her detention was then extended for a further 24 hours and she had to undergo a second examination after a report was ordered by the prosecution²⁰. According to media reports, the trial against the police officer started and has been postponed several times.

There have also been many reports of sexual violence against women political prisoners and activists arrested during street protests²¹. Women arrested in or on the edges of demonstrations against the regime are regularly subjected to sexual violence and other abuses. Their scarves are often pulled off or are used to drag them along the ground. Obligatory body searches by police officers and soldiers are used to grope, and sometimes rape, with fingers being inserted into the vagina. During inspections in prison, women are made to strip to their underwear and are harassed by male and female guards.

“At the end of a conference organised on 25 May 2014 in support of the activist Mahienour Al Masry, we were attacked in a raid led by the chief of the Alexandria Criminal Intelligence (Mabahith), Nasser Al Abd. They arrested a group of young people and hit a young woman, removing her clothing on the staircase (...) they made us kneel down with our hands behind our heads and whoever moved was hit in the back with their weapons. They then took the young women to one side and frisked us with our faces towards the wall, sexually harassing us and insulting us. I tried to remove the hand of one of the Central Security soldiers from my trousers, so then they beat me with their weapons until I could no longer resist. (...) The chief of the Central Security Service came to hurl insults at us and said to me ‘Come on, take your girlfriend’s hand, the slut, for a real marriage.’”²²

K., member of an Egyptian human rights NGO.

“The women guards came at dawn to drag us along the floor without giving us time to cover ourselves appropriately (...). They lined us up facing the wall and we were surrounded by members of the anti-riot force and the guards then started frisking us while undressing us and harassing us. They took me into the room where the prisoners dry their laundry. She pulled off my clothes, forcing me to go naked, I tried to push her off but there were two others who were helping her. I found myself completely naked and they put their hands [in my vagina]. It was horrible.”

S., student, detainee at Qanater women’s prison, interviewed by Al Jazeera²³. This testimony could not be verified independently.

During repression against students at the start of the 2014 academic year, young women were particularly targeted by the security forces, in particular at the University of Al Azhar, a stronghold of Islamist opposition:

“The University of Al Azhar is now run and directed by armed gangs and the security forces persistently violate its immunity. This is particularly true for young women. There have been many instances of offensive acts against girls by agents of the security firm Falcon.” Mahmoud Al-Azhary, spokesperson for the union of students at Al Azhar, October 2014.

19. Standard Minimum Rules for the Treatment of Prisoners 1955 and United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the “Bangkok Rules”)

20. <http://m.almasryalyoum.com/news/details/512138>

21. See further below.

22. <http://www.albedaiah.com/node/51622>

23. <http://youtu.be/9FOGZ2UbPuU>

According to the group ‘Students against the Coup’, an opposition movement close to the Muslim Brotherhood, several Al Azhar students were taken away in white mini-buses by soldiers in plain clothes in October 2014. Some have disappeared, including A., who disappeared for 17 days after having been arrested on 20 October 2014 in front of the university.

According to local NGOs, although other cases of rape have been reported, documenting them is extremely problematic given that direct testimony of sexual violence is more difficult to obtain than for other forms of torture, and only a handful of complaints have been filed. Victims are often discouraged from filing complaints against their aggressors for fear of scandal, even by their own lawyers.

“I saw an officer who was grabbing a young woman by the breasts and I said to him ‘if you want to arrest her, then arrest her, but you have no right to touch her breasts.’ He replied: ‘You think you’re a man or what?’ and he grabbed me exactly as he had her, before calling two other police officers to come and hold me. They beat me, insulted me. I was wearing jeans, a short blouse and red shoes, not Islamist or Muslim Brotherhood clothing, not even protest clothes. On arrival at the van, my veil had fallen off, my blouse was torn and my trousers half down. In the van they insulted me and beat me so much that I could no longer stand up. Two soldiers started to sexually assault me. There was one who was ashamed and who asked them to stop. They told him to keep quiet. The officer from the start got into the van and said to me ‘Come here I’m going to show you if I’m a man’. He sexually assaulted me, the soldiers laughed, and then he raped me completely. He took off his trousers and sat on my chest and on my hands, he put his penis in my mouth, once, twice, three times. I was paralysed, I started to vomit blood. He went down along my chest and put his whole body against mine. I told him he couldn’t do that. He hit me on the legs, spread my legs and raped me while insulting me. (...) My life is ruined. I’m afraid of my son, my husband and even my father.”

N. a student at Al Azhar, arrested in front of the university on 28 December 2013.. N. Testified on the information website Yanair on 1 July 2014, then on Al Jazeera Moubashir Misr. Her lawyer later testified that he advised her not to file a complaint for fear of scandal. No legal proceedings were launched in the case.

Students

Sexual assaults also affect male and female students arrested during demonstrations. In various testimonies published by The Observer and The Guardian newspapers, as well as by Amnesty International²⁴, students have told of how they have been raped by officers, sometimes in plain clothes, following a similar pattern.

N., a 19-year-old student leader belonging to the Muslim Brotherhood, and H., a Coptic student who was protesting against military repression, reported that they had been raped repeatedly in similar ways in police stations in the east and centre of Cairo on 8 January and 28 March 2014.

“He asked me many questions, but he didn’t like my answers. So he asked [a junior policeman] to put his middle finger in my ass. And he did it, twice”.

H., interviewed by The Guardian.²⁵

24. See, Amnesty International, “Egypt: Rampant torture, arbitrary arrests and detentions signal catastrophic decline in human rights one year after ousting of Morsi”, 3 July 2014 <http://www.amnesty.org/en/news/egypt-anniversary-morsi-ousting-2014-07-02>

25. April 2014, <http://www.theguardian.com/world/2014/apr/12/egypt-police-rape-dissidents-crackdown-16000-arrested>

N. added that he was also given electric shocks to his genitals and H. said that he was sexually assaulted by a police officer when going to the toilet during his 42 days in detention.

The similarity between the assaults documented suggests the existence of established practices shared by the security forces.

In June 2014, allegations of rape perpetrated on four students held at number 2 police station in Assiout were broadcast on the pro-Muslim Brotherhood television channel, Rabia TV.²⁶

Minors

The takeover by the Ministry of the Interior of several juvenile detention centres has coincided with a wave of sexual assaults against minors. The alleged perpetrators are mainly adult prisoners, who are detained alongside child detainees, in breach of international standards²⁷. Prison guards, other security personnel and prison governors have failed to take measures to prevent such attacks and effectively investigate allegations.

According to two local human rights NGOs, at least 570 children have been arrested for political reasons since 3 July 2013 but this figure is thought to be below the real number, as in many cases the age of these detainees is not recorded or is falsified so that the police are not accused of detaining children with adults.²⁸ Since November 2013, many minors have been arrested during unauthorised protests, others have been arrested at their homes or during football matches.²⁹

Lawyers and NGOs denounce the abnormally high level of security service personnel at detention centres for minors, where police officers and Central Security agents (*al Amn al-Markazi*) are now more numerous than social workers.³⁰

According to one NGO, at least 16 complaints have been lodged by parents of detained children, alleging that their sons have been victims of physical assault. Another NGO has been informed of ten sexual assaults, including several rapes (*hatk '3ird*)³¹ of minors by adult prisoners at the El Eqabiya detention centre in Al Marg in the north-east of Cairo. In August 2014, three testimonies broadcast by the journalist Mona Salman on the private channel Dream TV reported widespread rape committed in Eqabiya detention centre, where around 90 minors are detained alongside adult criminals, under the supervision of Criminal Intelligence services (*Al-Mabahith al-Gina'iya*).

26. <http://youtu.be/nzHOaS4CJrc>

27. UN Convention on the Rights of the Child, ratified by Egypt in 1990, Article 37 (c); UN Standard Minimum Rules for the Treatment of Prisoners, 8(d)

28. <http://aohr.org.uk/images/reports/atfal.pdf>

29. <http://english.ahram.org.eg/NewsContent/1/64/113508/Egypt/Politics-/Egypts-Detained-Minors-A-Hardship-Untold.aspx>

30. In February 2013, during a visit to El Eqabiya, NCHR (National Center for Human Rights) condemned the strong police presence (17 officers and 98 agents), higher than for social services, and this despite the fact that the institution's administration was officially the responsibility of the Ministry of Social Solidarity. Cf: <http://english.ahram.org.eg/NewsContent/1/64/113508/Egypt/Politics-/Egypts-Detained-Minors-A-Hardship-Untold.aspx>

31. The legal provision "hatk ird" is used for cases of rape of males, as the provision on rape in the criminal code specifies vaginal intercourse between a man and a woman.

“Anyone who hasn’t been raped is the exception. The director is fully aware. When a child complains, the officer from the Criminal Intelligence (Al-Mabahith) sends the rapist for a week or two to a disciplinary unit and then he comes back to resume his normal life. The section head is answerable directly to the officer of the Criminal Intelligence. And he does everything to please this officer: restricting visits, racketeering, etc. On paper, it’s the Ministry of Social Solidarity which runs the institution, but in reality it’s the police. It is the officers of the State Security and the informers, and they allow the section heads to get on with it as they use them to run things.

“As there are no medical checks, contagious diseases are rampant. Last month, there were at least ten sick per section. They’re isolated in a separate dormitory without supervision and there, as they are left to their own devices, there are plenty of sexual assaults. There’s no treatment, no ambulance and the children are not transferred to hospital unless it’s certain they’re going to die. There are many deaths but they are not even reported. These are extremely poor children for the most part and their parents, when they learn, do not have the resources to file a complaint, don’t even know why they are dead, as the forensic reports are falsified.”³²

‘Yasser’, former employee at El Eqabiya. This testimony could not be verified independently.

“I was at the police station for a day before being transported to El Eqabiya. Three to five detainees approached me and accused me of having hit the brother of one of them in the street. They made me swallow tablets which put me to sleep. When I awoke, they had all undressed me and raped me before making me swallow pieces of their sandals. In the morning, the officer came into the dormitory and found me stretched out, covered with a blanket, away from the rest and haemorrhaging. He did not react. Same thing the next day. My mother came to visit but I couldn’t stand up. They sent an employee who found me on the floor, haemorrhaging, exhausted and unable to defecate. They took me to hospital; I was examined and operated on: they extracted a quarter of a sandal from my stomach. When they had finished, the officer opened a rape enquiry. Those who had raped me came back and put pressure on me to withdraw my complaint (...). All the children left except the one I’d accused of rape. He said to me, come here I’ll take off the dressing you have on your stomach to protect you as you are tired. He grabbed me, bound my hands and raped me. I was so drained by the operation that I didn’t say anything. They then raped me again during the night in my bed. (...) If I had known that filing a complaint would have these consequences, I would never have done it.”³³

K., child detainee at the El Eqabiya prison. This testimony could not be verified independently.

In June 2014, at the Kom El Dekka juvenile detention centre in Alexandria, the prison administration brought in criminals, masked men, Central Security officers and the army’s anti-riot personnel³⁴ to quell an uprising by young detainees who were refusing transfer to El Eqabiya. Numerous allegations of rape circulated on social networks but to date no complaint has been filed by the children or their families.

Following the testimonies which have filtered out of El Eqabiya, the Egyptian Victims Centre for Human Rights, which assists prisoners held under common law, filed a complaint with the Prosecutor General against the Ministry of the Interior and the Ministry of Social Solidarity for complicity in the torture of minors (Complaint 17234 /2014 to the Prosecutor General).

Under the UN Convention on the Rights of the Child, ratified by Egypt in 1990, persons under the age of 18 are entitled to specific protections. Under Article 19(1), “States Parties shall take all appropriate legislative, administrative, social and educational measures to

32. <http://www.el-balad.com/mobile/1115720>

33. Ibid.

34. <http://www.albadaiah.com/node/50484>; <http://www.alaraby.co.uk/society/854711e7-c0ae-48af-a8aa-1f329f8eb83a>

protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.” Article 37 (c) provides, “Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances”.³⁵

Orchestrated campaign against LGBT persons

Mass arrests of LGBT persons has been a recurrent pattern of the violence perpetrated by the Egyptian security apparatus over many years³⁶. Since October 2013, campaigns targeting LGBT persons have become more frequent.

“We think that the authorities are orchestrating the organised, systematic repression of [LGBT] people. Since October 2013, we have seen at least one or more raids per month.” S., member of an Egyptian human rights NGO.

According to an Egyptian human rights organisation, *“There were at least 12 operations to arrest homosexuals and transsexuals between October 2013 and May 2014. Over this period, at least 77 people were arrested. The fact that the operations are now for the most part launched and led by the vice squads and not by the police, as was previously the case, leads us to believe that these individuals really are being targeted. These raids are not just focused on Cairo but also the regions of Alexandria, the Red Sea, Ismailia and Giza.”*

Sexual violence is systematic against this category of prisoners. Those arrested are subjected to forced anal examinations by forensic medics, constituting a form of torture. They also report threats of rape, sexual harassment, sexual assault, and rape with batons being inserted in the anus. Detainees are also forced to have blood tests for HIV, Hepatitis C and other sexually transmitted diseases. Once in prison, those accused of homosexuality suffer particularly from sexual assaults by guards and fellow prisoners.

Egypt does not have a law explicitly banning homosexual activity. Those arrested are charged with “debauchery” (*fugur*) or “sexual indecency” as well as other vaguely defined crimes such as “endangering public morals” or “indecent behaviour”. Heavy prison sentences are handed down after summary trials. Under international law, laws criminalizing consensual homosexual conduct between adults violate the rights to non-discrimination and privacy³⁷.

Between November 2012 and May 2014, at least 32 people received sentences ranging from three to twelve years in prison for ‘debauchery’ and ‘sexual deviance’. In April 2014, one man and three transgender women were arrested after a police raid on a residential apartment in Nasr City and charged with ‘debauchery’. Less than one week later, they were convicted by the Nasr City Misdemeanor Court. One of them received an eight-year prison sentence for ‘facilitating debauchery’ and ‘maintaining premises for the purposes of debauchery’, the others were sentenced to three years in prison for ‘debauchery’. On 1 November 2014, in a case referred to as the “gay marriage case”, eight people were sentenced to three years in prison (combined with three years on probation) for (among other vague charges) “endangering public

35. See also Articles 3(1), 37(a),(b),(d) and 40.

36. From 2001-2004 Egyptian police arrested thousands of men for “debauchery”. The crackdown involved police harassment, entrapment and torture. In one notorious case, in 2001, the Cairo Vice Squad and officers from state security investigations conducted a mass arrest on board a floating nightclub called the Queen Boat. Fifty-two men were charged with “debauchery” and tried before an Emergency State Security Court.

37. See United Nations Human Rights Committee, *Toonen v. Australia*, 1994.

morals”. The defendants appeared in the video of a celebration filmed on a *felucca* in which two participants were supposedly seen exchanging a wedding ring.

Police regularly breach the confidentiality of legal proceedings and violate the right to privacy, by authorising journalists to film and question accused without their consent. Some media organisations go as far as to reveal in full the names of individuals arrested.³⁸

“Media coverage of recent incidents is so uniform across outlets that it lends further credence to the idea of a coordinated security campaign.”

Internal report of an Egyptian human rights NGO

The sensationalist coverage, which depicts homosexuality as a crime, gives common currency to the idea that, since the revolution LGBT persons have increased in number and are part of a foreign plot threatening Egyptian society. News stories reported that police found condoms which were considered as incriminating evidence. Some journalists appear to have acted as police informers. On 7 December 2014, 26 men were arrested for debauchery in a raid on the hammam at Bab El Bahr in the Ramses area of Cairo³⁹. Mona Al Iraqi, a journalist present at the scene, filmed and broadcast the arrest, showing the men dragged half-naked to police trucks.

“The party was on 4 November, Egyptian Valentine’s Day, in a villa (...) After a while, the police truck came. (...) The police picked out certain people (nine men and a woman who was responsible for the shisha pipes). There were about 300 people at the party, most of them young. (...)

From that moment until I reached the police truck, me and the other people who were arrested were roughed up, beaten, and insulted. (...) They took us to the 6th of October police station. (...) They put us in a room and took our mobile phones and IDs. They tried to film our faces with their mobile phones, so we hid our faces. They put us in a room with desks and locked us in there. Then they began to call us out in pairs. There were lots of police officers in the chief’s office. There was one officer named Tareq al- Ahwal. The officers sat there making fun of us and saying, “Hey there, gorgeous,” and other filthy things. They stripped us and made fun of us and were trying to insert batons in our rear ends. I resisted and was beaten. (...) The next day, the station employees came and there was a new round of curses, insults, and severe beatings. They refused to let us go to the bathroom. They would bring anyone who was there to file a police report into the room and tell them, “Look at this. These are some fags we caught sleeping with each other.” We were brought before the prosecution the night of 5 November. The prosecutor told me that it was written on the report before him that the officer asked me how long I’d been engaging in deviant behavior and I responded that I always did it. I told the prosecutor that had not happened. He also told me it was written in the report that they apprehended me while I was sleeping with a man. I told the prosecutor that they had asked me my name and where I lived, and the prosecutor wrote down that I had said that the other talk had not happened.

We learned from some junior policemen that the medical examination was the next day. After we were taken to the prosecution, we went to the al-Manashi police station. (...) [on the morning of 6 November], they started to tell the prisoners, “We’ll give you some people to sleep with, but how much will you pay?” (...) On 6 November in the afternoon, we went to the medical examiner’s office in Ramsis. The policemen would not stop the truck in front of the medical examiner’s office, but parked far away and marched us in the street. When someone would ask, they would say, these are some fags we caught sleeping with each other. When we reached the medical examiner’s officer, officers beat and cursed us and said we were trash.

38. <http://videoyoum7.com>

39. In a surprise decision, on 12 January 2015, the defendants were acquitted.

They poured water on us. They kept cursing us until the doctors arrived. They examined us, and when I asked the doctor what he would write in the report, he said he wasn't allowed to tell me. They wrote a preliminary report and sent us back to the prosecution, which asked for medical tests. After that they took us to the Central Security Forces' camp in 6th of October. (...) they took us to a police station in the Smart Village, where they told us that a release order was issued, but they would take us to the Kerdasa police station to see if we had any pending cases against us. (...) There they told me I had two cases against me, one in Damanshour and one in another governorate. I said that I'd never even been to those governorates. Someone gave the man some money to redo the ID check, and it turned out that me and two others had no cases against us. It was 2 am and they let us go.

Note: at the camp, the bathroom was open only twice a day. The soldiers there were fine, but they tried to cut our hair."

H., testimony gathered by an Egyptian human rights NGO

"Another concern is that now it is not only gay men and transvestites who are being targeted but also transsexuals."

F., member of an Egyptian human rights NGO

Victims both of police ignorance and prejudice, transsexuals are treated as criminals, including by the medical profession. On 3 November 2014, the newspaper Al Watan reported the testimony of a young woman arrested by doctors at Al Zahraa University Hospital in Cairo during breast implant surgery. Accusing her of having false identity papers, they took her to the Al Wayli police station from where she was transferred to the office of the prosecutor, who refused to recognise her documents. She was then detained for four days pending investigation, before a judge confirmed the authenticity of her identification documents and ordered her release. The Prosecutor General immediately appealed her release and ordered her to appear before another judge.

In a case which demonstrates the active surveillance of social networks by the police, on 25 September 2014, six men were convicted of debauchery and sentenced to two years in prison and hard labour on the basis that they had advertised their apartment as a place for gay men to have sex on Facebook. In other recent cases, private advertisements posted on websites such as 'Worldwide Transsexual Dating', have been used as evidence in criminal investigations by the prosecutor's office.

"They go on apps for trans people to get in touch with suspects and, when they arrest them, they demand the passwords to their accounts, take screenshots and use them as incriminating evidence during the trial."

B., member of an Egyptian human rights NGO

At the beginning of May 2014, the vice squad arrested five people in an apartment in Nasr City and accused them of being the 'clients' of those arrested in April 2014 (see above). According to NGOs, it is likely that police identified them from telephone contact lists and lists of friends on their profiles on social networks. On 19 May 2014, a court sentenced them to between four and twelve years in prison.

In the face of these practices, the gay dating website Grindr alerted its Egyptian users, urging them to exercise caution in their online exchanges: "Egypt is arresting LGBT people and police may be posing as LGBT to entrap you. Please be careful about arranging meetings with people you don't know and be careful about posting anything that might reveal your identity".

These attacks are all the more alarming given that, between 2004 and 2013, following a campaign led by HRW and local activists in response to the thousands of arrests conducted at the beginning of the 2000s, prosecutions for debauchery had generally ceased, with the exception of 5 men who were convicted in 2008 and sentenced to 3 years in prison after being forced to undergo HIV tests.

III. SEXUAL VIOLENCE AS A POLITICAL INSTRUMENT

Sexual violence perpetrated against political prisoners

“While all prisoners are vulnerable to torture and sexual humiliation during the first few hours of their arrest, in police stations and detention centres, the most serious sexual abuse, particularly in the case of men, tends to take place at the hands of the National Security Intelligence services (Mabahith al-Amn al-Watani) and the military. This abuse targets prisoners suspected of withholding information.”

D., member of an Egyptian human rights NGO.

‘Virginity tests’

For women political prisoners, ‘virginity tests’ are virtually systematic. The test is sometimes repeated several times in an obvious attempt to humiliate the prisoners. According to testimony gathered by NGOs close to the Muslim Brotherhood, ‘virginity tests’ are sometimes conducted by prison staff or by other prisoners at the demand of police officers. Muslim Brotherhood detainees have also reported pregnancy tests.

“When I was taken to prison, the prison administration demanded pregnancy tests. I refused but they forced me to have it done at Al Farag Road Hospital. I went back to prison where they carried out the test again. It didn’t happen only to me but to all the detainees who were with me at that police station.”

G., testimony gathered by a human rights NGO close to the Muslim Brotherhood. These allegations could not be verified independently.

Rape and sexual assault

Although complaints have only very rarely been filed, numerous cases have been documented since July 2013 of rape of political prisoners committed by the police, the National Security Intelligence (*Mabahith al-Amn al-Watani*) and military intelligence forces in police stations, civilian and military prisons and secret detention centres.

The most serious cases concern rape committed on the premises of secret detention centres, in particular the Azouly military prison situated inside the headquarters of the armed forces at Ismailia, 62 kilometres north-east of Cairo, where at least 400 prisoners are reportedly held. Amnesty International has documented several cases of sexual violence including rape with a hot steel baton in the anus, electrocution to the genitals, and threats to rape female family members⁴⁰. The victims have been unable to identify the perpetrators, but report that interrogations were conducted in the presence of the secret police by officers of military intelligence, the branch of the army directed until 2012 by Abdel Fattah el-Sisi.⁴¹

Dozens of allegations of rape against political prisoners, some mentioning the identity of the victims, are circulating on social networks and in reports disseminated by organisations and information websites close to the Muslim Brotherhood. One of these organisations affirms that it has gathered testimony of rape from unregistered young prisoners, who were removed to prison by National Security and police officers: *“The victims are... forcibly transported from prison to security training camps where the rapes take place and then they are sent back to prison. All the cases we have had access to concern victims who were not recorded on prison lists.”*⁴² These allegations could not be verified independently.

Groups supporting the Muslim Brotherhood report that there are at least 1,500 women members of the Muslim Brotherhood in prison. They say that they have documented 20 cases of rape in prison and several cases of forced abortion. They report cases of prisoners forced to watch pornographic videos and to wash floors with their naked bodies.

Given the difficult relations between the Muslim Brotherhood and “liberal” activists, as well as problems documenting cases of rape generally and gaining access to detainees accused of supporting the Muslim Brotherhood prisoners in particular, independent NGOs have not been able to verify these allegations.

Defamatory practices

Accusations of a sexual nature in cases of political detention

Accusations of a sexual nature are often made against political prisoners in an attempt to destroy their reputations and portray them as sexual “deviants”. Women arrested in the anti-coup demonstrations have been accused of prostitution and private videos stolen from computers of prisoners have been used as incriminating evidence, as in the case of the trial of activist Alaa Abdel Fattah in September 2014, in which a private film showing his wife dancing at a family celebration was shown and used against him.

According to a testimony published on the website Al Araby in July 2014⁴³, *“I was arrested by police officers at the end of November 2013 in front of the university after a demonstration against the military coup. A police officer with the rank of colonel did not record any of my statements in his report but asked me if I was a virgin, and said that the enquiry proved that I had been arrested in an apartment for prostitution”*. The victim stated that the police officer then proceeded to grope and hit her, threatening her with rape if she did not acknowledge she worked as a prostitute. She said that the following day, she was undressed and beaten on her naked body in front of a male detainee who had signs of torture. She was then raped by the same officer. Three soldiers assisted him. She said, *“I fainted and when I came to I found I was naked. They left me in that state for three days.*

40. Amnesty International, *“Egypt: Dozens of disappeared civilians face ongoing torture at military prison”*, press release, 22 May 2014. <https://www.amnesty.org/en/articles/news/2014/05/egypt-dozens-disappeared-civilians-face-ongoing-torture-military-prison/>

41. *Ibid.*

42. Report of an NGO close to the Muslim Brotherhood.

43. <http://www.alaraby.co.uk/investigations/f10a75f6-3df5-4a7e-8019-b20762802d11#sthash.jHAGhvHB.dpuf>

They brought me clothes and released me in the middle of nowhere.”

These allegations could not be verified independently.

Sex-based blackmail

Testimonies also report sex-based blackmail used against prisoners to prevent them filing complaints.

A., a second-year student at the Faculty of Science at Al Azhar University, who was living in Kafr Al Douar and was a member of the Salafist al-Nour party, was arrested in February 2014 at a checkpoint in al-Gabal Al Ahmar in Medinat Nasr in Cairo by police officers alerted by the ring-tone on his phone and photos of the demonstrations they found on it. He reported that he was stripped, struck with a baton and had his genitals electrocuted. He alleged that he had been raped first with a hand and then “completely”. His attacker then reportedly threatened to distribute a video of the rape if he filed a complaint.⁴⁴

Organised leaks to the media

Numerous testimonies report that police officers film detainees, especially during raids against sexual minorities. Dozens of leaks, comprising photos, videos and even in certain cases the full identity of the accused, have been published in the media. In some cases journalists are alerted in advance to the locations of arrests. These leaks feed the media discourse condemning post-revolutionary ‘decadence’ and proclaiming a need for order.

Sexual violence and the stifling of civil society

Limits on public mobilisation

The short-term consequence of generalised sexual violence is that public mobilisation is limited or prevented, since activists and ordinary citizens, especially women, face explicit threats of rape in public spaces. This tactic has already had a significant impact, with a growing number of protest movements and even meetings now organised online to avoid arrests and assaults. Activists are particularly familiar with this tactic, as they are the ones who pay the price at politically sensitive moments, in particular on the eve of elections.

On 7 July 2014, using the assumed name ‘Hend’, a leading figure in the revolution of 25 January 2011 and renowned activist delivered a decisive testimony on the independent information website Mada Masr. The testimony affirmed that, at the end of 2011, she “regularly received anonymous threats by phone.” On the day of a planned demonstration or meeting, the voice told her she should prepare “to be fucked this evening”. A fabricated video, depicting her in suggestive poses with a man, was distributed on Youtube. Insults spread on social networks refer to her as “the Muslim brothers’ whore”. Hend considers that the timing of the attacks was calculated, aimed at silencing her before the presidential elections.⁴⁵

44. Testimony documented by H., legal expert and member of a centre for victims

45. <http://www.madamasr.com/sections/politics/sexual-assault-and-state-history-violence>

According to the journalist who documented her story, *“Things got worse at the end of 2013. Copies of her emails and private chats with her boyfriend were slipped under the door. She received threats just before a demonstration was held in front of parliament (...). On the evening of 26 December, on a street in central Cairo, three men grabbed her from behind. She reported, ‘One said to me: “You walk alone at these times, it’s normal for a bitch of the streets like you to get fucked. Tell me where you’d like it or I’ll put this knife in your pussy.” Then he tore the crotch of my tights with his knife.’*

The wound was bleeding; the man put his fingers in the blood and drew it across Hend’s mouth. He then passed the knife to the second man while the third filmed the scene on his mobile phone. The first man ordered Hend to kneel. Hend reported, ‘He told me to play my part and do my job (...): “Suck me off and if you bite me I’ll stab you.”’ The second man held a knife at her throat. With his other hand he inserted a finger in her anus. ‘The man ejaculated on my face. He quickly put his penis in me and asked what I would prefer. He told me to get up and that they would send the video to my “queer of a boyfriend” and that “the queers of 28 January take it in all three holes like you”.’”

The stifling effects of sexual violence are in addition to the effects of the general crackdown on civil society organisations launched by el-Sisi’s regime. In July 2014, an ultimatum was announced for NGOs to registers under the repressive “Law of 84 on associations” or face the legal consequences. This law places severe restrictions on the independence and activities of the organizations. While the deadline of the ultimatum has passed, and no prosecution of NGOs were reported, the authorities have not officially lifted it. In addition, amendments to the Penal Code passed by el-Sisi in September 2014 increased the penalty for receiving foreign funding with the aim of “harming national security” to 25 years imprisonment. These measures have forced independent human rights organizations to limit their activities and funding.

Direct targeting of women human rights defenders have also been reported: Azza Soliman, human rights lawyer and founder of the Centre for Egyptian Women Legal Aid is currently facing trial after voluntarily testifying against the security forces in the killing of activist Shaimaa Al Sabagh in a protest in down-town Cairo on 24 January 2015.⁴⁶ Other human rights defenders including Sanaa Seif and Yara Sallam are currently serving two years imprisonment on charges of illegal assembly.

On 4 April 2015, security forces raided the premises of Radio Horytna and arrested Ahmed Samih, Director of the Andalus Institute for Tolerance and Anti-Violence Studies (AITAS) and Chief Editor of the radio.

These repressive measures against independent human rights organizations have contributed significantly to restricting public space.

46. For more information, see Urgent Appeal of the Observatory for the Protection of Human Rights Defenders : <https://www.fidh.org/International-Federation-for-Human-Rights/north-africa-middle-east/egypt/egypt-judicial-harassment-of-ms-azza-soliman>

Demonising the opposition

In addition to controlling the public sphere, such violence is used to discredit the opposition and demonize social networks, portrayed as promoting decadence. Street protests are often portrayed as a symptom of moral deviance, resulting from the influence of social networking and western culture, which encourages “deviant” behaviour”.

The impact of strategies aimed at “sexualising” politics and demonizing the opposition was demonstrated after the Universal Periodic Review of Egypt at the United Nations Human Rights Council on 5 November 2014. The following day representatives of several human rights NGOs were insulted in the pro-regime press, which accused them of being ‘transsexual’ and ‘defenders of homosexuals’.⁴⁷

Establishing the regime’s moral legitimacy

Defamatory campaigns in the media encourage society to inform on sexual minorities. This appears to be part of the regime’s strategy to demonstrate its moral conservatism in an attempt to gain the support of “Islamist” fringes of the population whose support brought the Muslim Brotherhood to power.

47. <http://www.albawabhnews.com/884979>

IV. INVOLVEMENT OF STATE ACTORS

Involvement of police, military and security personnel

The process of investigating suspects is increasingly undertaken within detention centres themselves, in the absence of lawyers and families and in the presence of police, military and state and military intelligence personnel. This facilitates the perpetration of sexual violence at all levels of the police, justice and prison procedures. Sexual violence takes place in the street, universities, checkpoints, police vans, prisoner transport, police stations, body searches at the entrance to prisons and courts, and official and secret detention centres. Complaints, testimonies and allegations concern police officers, prison authorities, male and female prison guards, officers of the Central Security Service (*Al-Amn al-Markazi*), the National Security Intelligence (*Mabahith al-Amn al-Watani*), and military personnel and officers of the Military Intelligence Service (*al-Mukhabarat al-Harbyya*).

Detailed testimony suggests a division of labour between the Ministry of the Interior and the army, with the army given the task of torturing certain political prisoners entrusted to it by the police with a view to obtaining confessions which are then recorded by the National Security Intelligence.⁴⁸

Testimonies reported by groups close to the Muslim Brotherhood denounce cases of rape committed by police officers, with the participation of members of the armed forces. This is particularly the case of testimonies emerging from al-Abadya prison in the city of Damanhur in the north of Cairo, where, according to sources in the Muslim Brotherhood, masked, uniformed soldiers reportedly took part in the mass rape of eight prisoners.⁴⁹ FIDH has not been able to verify these allegations independently.

The direct involvement of the military in sexual violence was dramatically made public in March 2011, when 7 women demonstrators were subjected to ‘virginity tests’ in the Museum of Egyptian Antiquities in Tahrir Square under the supervision of the then head of Military Intelligence, General Abdel Fattah el-Sisi, now President. At the time he justified the military’s actions claiming that the tests were designed to “protect the women demonstrators from rape and the soldiers from accusations of rape.” One of the victims filed a complaint against the government and in December 2011, an administrative court ruled that the practice of virginity tests was widespread in Egyptian military jails and ordered them banned. However, only one individual, an army doctor, was subsequently prosecuted and on 14 March 2012 he was acquitted by a military tribunal.

In other cases, although FIDH does not have evidence that commanders ordered security or military personnel to commit sexual violence during raids, arrests and detention, information gathered demonstrates that, at the very least, they have failed to take action to investigate or punish state actors who commit acts of sexual violence or to prevent them from doing so, in violation of their obligations under international law. Many of the reported acts were committed in circumstances in which commanding officers knew or should have known the crimes were taking place, including regular acts of violence in detention centres under their control. International law provides that when a state knows or ought to know that human rights violations are taking place and fails to take appropriate steps to prevent violations, they can be held responsible.

48. Amnesty International, <https://www.amnesty.org/en/articles/news/2014/07/egypt-anniversary-morsi-ousting/>
49. <http://www.alaraby.co.uk/investigations/f10a75f6-3df5-4a7e-8019-b20762802d11#sthash.JJERmcU1.dpuf>

Rape and other forms of sexual violence against persons in the power or custody of a state agent constitute torture or ill-treatment⁵⁰ for which the state is directly responsible. Under international conventions ratified by Egypt, states must take measures to prevent torture⁵¹ and all persons responsible for acts of torture, attempted torture, complicity or participation in torture must be prosecuted.

The Egyptian authorities have international obligations to take action to prevent torture and other forms of sexual violence, to effectively investigate, prosecute and sanction perpetrators and to provide redress and reparation to survivors⁵².

The obstructive role of the justice system

Complaints of sexual abuse filed against state actors have been systematically obstructed, with pressure on victims to withdraw complaints and inadequate investigations. Dozens of testimonies report threats and reprisals made by police officers and prison guards against victims and their families to prevent them from filing a complaint.

“The principal obstacle to launching the judicial process is, in the majority of cases, the refusal of victims to file a complaint. The prosecutor’s office is highly contemptuous, insensitive and offhand towards these complaints. It may exert pressure so that victims withdraw their complaint. It may question traumatised victims who have just been tortured for hours.”

E., expert on the criminal justice system at a human rights NGO

In May 2013, a Department to Follow-up Violent Crimes Against Women was established within the Ministry of the Interior, in charge of launching investigations. Yet it has not contributed to increasing the effectiveness of investigations and prosecutions, rather it has tended to block proceedings, with investigators applying pressure on victims to withdraw complaints.

“Children are so afraid of reprisals that they refuse to file a complaint. I am not aware of any official complaint. There is the case of one mother who filed a complaint for rape on behalf of her son in Alexandria following the assault at Kom El Dekka on 11 June 2014. The complaint was withdrawn by the child himself following an investigation by the Ministry of the Interior ‘Human Rights Unit’ which put pressure on him.”

Y., a lawyer and member of an NGO for the defence of children’s rights

Impunity of law enforcement officers is strengthened by the growing use of plain clothes police officers, contributing to a widespread climate of fear. Charges by the prosecutor are often based exclusively on the security services’ investigations, leading to sexual violence perpetrated during arrests being condoned. This indicates collusion between the police, security services, military intelligence and the judicial authorities.

According to the General Coalition of Police Officers, a handful of recent convictions of low-ranking police officers for violence against protesters were aimed at protecting the high-ranking officers and at ensuring the submission of their subordinates, indicating a power struggle between higher and lower ranks.⁵³

50. Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/7/3, 2008

51. See in particular, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by Egypt in 1986 (Articles 4 – 7). The right to be free from torture and other cruel, inhuman and degrading treatment or punishment is also protected under the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt in 1982 (Article 7) and the African Charter on Human and People’s Rights (Article 5).

52. ICCPR, Article 2

53. <http://www.madamasr.com/sections/politics/between-ranks>

“They are trying to convey the message that officers are educated while the police rank and file are ignorant and barbaric.”

A., researcher specialising in security issues

In certain instances, sexual violence is perpetrated and condoned by the law enforcement authorities themselves, as in cases concerning charges of “debauchery”, in which official procedure allows for anal forensic examination at the request of the prosecutor’s office and “virginity tests” ordered in cases of rape.

Collusion between the justice system and the security forces, along with politicisation of the law enforcement authorities, is pushing citizens to take justice into their own hands and has opened the door to acts of personal revenge. On 4 July 2014, Mohamed Kamal, a police officer at police station one in Medinat Nasr, was castrated in the street after having been accused on social media of raping a Muslim Brotherhood student in a police van.

The failure of the Ministry of Transitional Justice to pass a transitional justice law and to address the issue of sexual violence further fuels the general climate of impunity for the perpetrators of such crimes.

Denial by political authorities

Instead of condemning the violence, the political authorities tend to publicly criticise the victims. Commenting on the case of N., a student at Al azhar who alleged that she was raped in a van by a policeman on 28 December 2013 in front of her university⁵⁴, the deputy minister for human rights within the Ministry of the Interior, Major General Abu Bakr Abdel Karim, declared in the press that she was “irrational” and that her sole aim was “to turn public opinion against the police”.⁵⁵ Repeated denials by the authorities encourage impunity for the police and the security forces.

The National Council for Women (NCW) was established by presidential decree in 2000 and its members are nominated by the government. Throughout its existence, with the exception of the period under the Morsi regime, it has tended to adopt a pro-government stance, going so far as to justify attacks on women demonstrators. Despite the numerous allegations, NCW members have denied involvement of law enforcement officers in crimes of sexual violence against women protesters and detainees:

“It is impossible that a paramilitary organisation like the police would commit crimes of sexual violence in Egyptian prisons.”

Mervet al-Telawi, President of the National Women’s Council, July 2014⁵⁶

“The National Women’s Council will not lift a finger to defend the young women arrested yesterday by the military police at the Al-Nour mosque in Abbasiya. Their cause is neither patriotic nor national.”

Dr Azza Haikal, Council member, 5 May 2012, following the arrest of 15 young women at an Islamist sit-in⁵⁷

54. Case cited above.

55. <http://almashhad.net/News/756652.aspx#sthash.JyUiluQA.dpuf>

56. <http://elsharq.tv/node/143952>

57. <http://gate.ahram.org.eg/News/204388.aspx>

A series of measures aimed at “fighting violence against women”, established by a protocol agreement adopted by the Ministry of the Interior and the NCW in September 2013⁵⁸, have been largely ineffective: measures on fighting sexual harassment are inadequate, the department within the Ministry of the Interior in charge of investigating sexual violence has played a role in discouraging complaints and the fight against sexual harassment is used to reinforce the repressive security measures.

The NCW is coordinating the drafting of a national strategy on violence against women, in collaboration with the government. According to media reports, the NCW has concluded the strategy but it is yet to be announced publicly. The process has so far failed to include adequate consultations with women’s rights organisations and other representatives of civil society. FIDH calls for the strategy to include measures to prevent and punish violence committed by state actors and urges the NCW to adopt a transparent and open consultative process.

In July 2014, the ACHPR stated that it is “[d]eeply concerned by the high level of sexual violence including sexual violence perpetrated against arrested persons during pre-trial detention as well as the culture of impunity which prevents victims especially women, from obtaining justice for acts of sexual harassment, rape and sexual assault in public spaces and during protests”.⁵⁹ In a Resolution Condemning the Perpetrators of Sexual Assault and Violence in the Arab Republic of Egypt, adopted in July 2014⁶⁰, the ACHPR urged the Egyptian authorities to ensure that the perpetrators of sexual violence are brought to justice and to take the necessary measures to facilitate access to national courts for victims and guarantee the right to reparation. It further called on the Egyptian authorities to provide medical and psychological support to victims of sexual violence and ensure greater protection and safety for women in exercising their right to assembly and peaceful demonstration.

58. <http://www1.youm7.com/News.asp?NewsID=1233420&>

59. ACHPR Resolution 287 on Human Rights Abuses in Egypt, July 2014.

60. ACHPR Resolution 288 Condemning the Perpetrators of Sexual Assault and Violence in the Arab Republic of Egypt, July 2014.

V. CONCLUSION AND RECOMMENDATIONS

Since the overthrow of Mohamed Morsi, under the pretext of a “war on terror”, the security forces have embarked on a campaign of wide scale repression of political opponents, actively supervised by the army, using sexual violence to crush, torture and humiliate. Yet, sexual violence is not only used against political opponents. Any individual falling under the repression of the security forces risks sexual violence: NGO representatives, protesters, activists, those perceived as breaching public morals, in particular LGBT people, as well as common law detainees and minors in detention have been victims of sexual violence committed by state actors, including the police, National Security Intelligence (*Mabahith al-Amn al-Watani*) and the military.

Although FIDH does not have evidence that commanders ordered security or military personnel to commit sexual violence during raids, arrests and detention, the widespread nature, the similarities in patterns of violence and generalised impunity indicate that such violence forms part of a cynical political strategy. At the same time el-Sisi’s regime is presented as the guardian of moral order to shore up public support and justify strengthening the state security apparatus.

Despite changes in political regimes, the involvement of law enforcement officers in crimes of sexual violence against women demonstrators has persisted and those responsible have continued to benefit from complete impunity. This indicates the persistence at the highest levels of the Ministry of the Interior and the armed forces of an approach aimed at limiting and marginalising the presence of women, in public places in general and in the political arena. On this issue, the Islamist government of Mohamed Morsi and the governments put in place by the military since 3 July 2013 have demonstrated, by their tolerance of sexual assaults committed by the security forces, that they share conservative values regarding the limits to be imposed on the presence of women in the public sphere.

The token and piecemeal reforms adopted by el-Sisi’s regime to address sexual violence in the public sphere have been woefully inadequate. In addition, an approach based on morality and security contributes to increased control over the public sphere, in which women have a marginal place, instead of contributing to ensuring equal rights and emancipation. Meanwhile, the politicisation of the justice system and the increasing hold of the Ministry of the Interior over criminal justice procedures guarantee virtual impunity for the perpetrators.

Threats made by the authorities to victims and human rights NGOs make documenting these crimes increasingly difficult. The damaging climate of mistrust which prevails between the Muslim Brotherhood and local NGOs, is an additional obstacle to documenting crimes of sexual violence against supporters or alleged supporters of the Muslim Brotherhood. The extremely serious allegations revealed in this report – rapes, forced abortions, use of pornographic material, etc. – must be urgently investigated.

Beyond token measures, the Egyptian authorities have failed to take action to prevent torture and other forms of sexual violence. They have further violated obligations to effectively investigate, prosecute and sanction perpetrators and to provide redress and reparation to survivors⁶¹.

61. ICCPR, Article 2.

FIDH calls on the Egyptian authorities to:

- Publicly condemn all forms of sexual and gender-based violence perpetrated by state or non-state actors and go beyond token and piecemeal measures in order to effectively prevent sexual violence and protect victims, including by ending impunity.

Access to justice and fighting impunity

- Cease all acts of torture and cruel, inhuman and degrading treatment, ensure prompt, independent and impartial investigations into allegations of torture and other ill-treatment, in accordance with international law, in particular the Convention Against Torture (CAT), and ensure that victims are receive reparation in accordance with international standards;
- Amend article 126 of the Penal Code to bring it into line with the CAT, as undertaken by Egypt following the UPR review in June 2010;
- Take effective legislative measures to guarantee the independence of the judiciary and the Public Prosecution;
- Ensure prompt, independent and impartial investigations into all allegations of sexual violence whether committed by state or non-state actors and prosecute and punish the perpetrators in accordance with international law, without applying the death penalty and ensure that victims are given reparation in accordance with international standards;
- Take effective measures to reform the Ministry of Interior including: effective investigations and prosecutions of those responsible for sexual violence; suspension of personnel under prosecution or investigation; demilitarizing the police department in order to protect the civilian nature of the police and its integration into society; implementing measures for oversight and monitoring; guaranteeing the social and economic rights of police agents (including the right to organise) in order to increase a sense of moral responsibility towards the people;
- Fully implement the judgement of the African Commission in Case no. 323/06: Egyptian Initiative for Personal Rights & INTERIGHTS v Egypt;
- Fully implement ACHPR Resolution 287 on Human Rights Abuses in Egypt and ACHPR Resolution 288 Condemning the Perpetrators of Sexual Assault and Violence in the Arab Republic of Egypt, adopted in July 2014, and Resolution 297 on the Deteriorating Human Rights Situation in the Arab Republic of Egypt adopted in February 2015.

Places of detention

- Establish an independent commission to monitor detention centres, including by unannounced visits. The commission should have the mandate to present binding recommendations to relevant bodies in order to prevent torture and sexual violence. The commission should have unhindered access to information as well as meet with detainees and other persons, and be able to conduct interviews privately;
- Allow civil society representatives to conduct visits to detention centres;
- Revise policies governing places of detention to bring them in line with international law, including the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

Violence against women

- Publicise the national strategy to combat violence against women, and conduct transparent and effective consultation with independent women's rights organisations, human rights NGOs and other representatives of civil society (doctors, psychologists, lawyers, etc.);
- Reform the laws criminalising violence against women to bring them in line with international law and, in particular, revise the definition of rape;
- End the practice of "virginity tests";
- Reform all laws that discriminate against women, in particular the Personal Status Code,

in accordance with Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).

Discrimination on the grounds of sexual orientation

- Immediately release persons arrested on the grounds of their sexual orientation, drop all charges against them, and put an end to the harassment campaign against LGBT people;
- Amend laws to remove all references to “debauchery” (*fugur*) and other vague language used to target adult, consensual sexual activity;
- End the practice of forensic anal examinations for those accused of “debauchery” or any other crime.

Freedom of expression and association

- Immediately withdraw the “NGO ultimatum”, revoke the amendment to Article 78 of the Penal Code on “foreign funding” and the draft law on association which includes very restrictive provisions, and hold effective and transparent dialogue with independent human rights organisations in order to both hear their demands and to ensure a law on association that complies with international human rights standards and that will allow independent civil societies to continue their work without any hindrance from authorities, or threats of dissolution and prosecution;
- Immediately release all human rights defenders and those detained for exercising their right to freedom of assembly and expression, and repeal or amend the Assembly Law No. 37 of 2013 in order to bring it in line with international human rights standards.

International human rights instruments and mechanisms

- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to CAT, the Optional Protocol to CEDAW and the Rome Statute of the International Criminal Court;
- Withdraw reservations to CAT and CEDAW;
- Ratify the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa;
- Ratify the Protocol on the Establishment of an African Court on Human and Peoples’ Rights and make the declaration under article 34.6, so as to guarantee direct access for individuals and NGOs;
- Issue a standing invitation to all UN and African Commission on Human and Peoples’ Rights special procedures and set a date for the agreed visit of the UN Special Rapporteur on violence against women, its causes and consequences and allow them access to detention centres.

FIDH calls on donors offering aid to Egypt to:

- Condemn sexual violence carried out by state and non-state actors and demand progress reports from the Egyptian government on the concrete steps taken to end such practices, including legislative reform, effective investigations and prosecutions of perpetrators, in accordance with international law;
- Call for the immediate release of all human rights defenders and those detained for exercising their right to freedom of assembly and expression;
- Ensure that all aid for the Egyptian criminal justice system requires human rights training, including on violence against women, sexuality and sexual orientation and non-discrimination.

Establishing the facts

investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed, rigorous and impartial procedures to establish facts and responsibility. Experts sent to the field give their time to FIDH on a voluntary basis.

FIDH has conducted more than 1 500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH's alert and advocacy campaigns.

Supporting civil society

training and exchange

FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

Mobilising the international community

permanent lobbying before intergovernmental bodies

FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them. FIDH also takes part in the development of international legal instruments.

Informing and reporting

mobilising public opinion

FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.



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FIDH represents 178 human rights organisations on 5 continents



inhuman or degrading treatment or punishment. Article 6: Everyone has the right to recognition everywhere as a person before the law. Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Article 9: No one shall be subjected to arbitrary arrest, detention or exile. Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. Article 11: (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty

ABOUT FIDH

FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

A broad mandate

FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

A universal movement

FIDH was established in 1922, and today unites 178 member organisations in more than 100 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

An independent organisation

Like its member organisations, FIDH is not linked to any party or religion and is independent of all governments.

fidh

Find information concerning FIDH's 178 member organisations on www.fidh.org